

DETAILED ACTION

The cancellation of claims 7-9, 16, 20-21 under the amendment of 03/20/2008 is noted.

Claims 1-6, 10-15, 17-19 and 22-23 are under examination.

Claim Rejections - 35 USC § 103

1. Claims 1-6, 10-15, 17-19 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geussens et al U.S. Patent 5,858,491 in view of Dubois et al U.S. Patent 6,107,430.

References have been considered in the previous office action mailed on 10/30/2007.

Geussens discloses a molding composition comprising: (A) from 95 to 60 wt.% of a high density polyethylene (HDPE), column 1, line 33; and (B) from 5 to 40 wt.% of a linear or substantially linear ethylene interpolmer having a density from 0.85 to 0.93 g/cm³, column 2, lines 46 and 51-53. A low density component (B) is ethylene-alpha-olefin interpolmer, column 9, lines 8-15, for the present claimed (B). A substantially linear ethylene/1-octene copolymer (B) having a density of 0.87 to 0.89 g/cm³ is the same that in the present claims 1, 2, 3, 4, 5, 6, 19, 11-13, 17-19, column 13, lines 59 and 62 and column 14, line 3. The high density polyethylene is readable for being claimed (A) polyolefin. The composition can include additives such as fillers, column 11, line 67, for the present claims 22-23.

The molded article is a blend of (A) and (B). The content of the (A) and (B) is overlapping the amount of the same (A) and (B) in the present claims.

Geussens does not mention about Brookfield viscosity for a low density component (B).

Art Unit: 1796

Dubois'430 has been discussed in the previously filed office action of 04/05/2007 and 10/30/2007.

Dubois is cited as evidence that an ethylene/alpha-olefin interpolymer having a density from 0.85 g/cm³ to 0.895 g/cm³ has a Brookfield viscosity at 350 F of from 1500 to less than 3500 centipoises, column 5, lines 3-7 and 11-19 and column 6, lines 41-44.

Dubois discloses the claimed ethylene/alpha-olefin having low density and having claimed Brookfield viscosity. The linear or substantially linear interpolymer can be combined with other homopolymers, copolymers and terpolymer of propylene, column 20, lines 34-41.

Geussens and Dubois disclose the analogous ethylene/alpha-olefin interpolymer having the same density of at least 0.85 g/cm³, wherein said ethylene/alpha-olefin copolymer is used in the blend with HDPE or polypropylene.

In light of the evidence in Dubois invention, that an ethylene/alpha-olefin interpolymer having a density from 0.850 g/cm³ to 0.895 g/cm³ and having a Brookfield viscosity at 350 F of from 1500 to less than 3500 centipoises, it would have been obvious to one of ordinary skill in the art to use the low density ethylene/alpha-olefin copolymer in Dubois invention that is analogous to the ethylene-alpha-olefin interpolymer in Geussens invention, and thereby, obtain the claimed Brookfield viscosity, since the analogous ethylene-alpha-olefin interpolymers have analogous properties.

The difference between the present claims and Geussens is that reference does not disclose that the melt index of the resulting thermoplastic blend composition is increased by at least 5 percent for claim 1 or by 15 percent for claim 3 if compare to that of the starting thermoplastic olefin.

In light of the disclosure in Geussens invention at column 11, lines 6-16, wherein the properties of the resulting composition including physical. mechanical properties such as gloss, impact resistance and stress cracking resistance (column 8, lines 62-63) are depending on the balance of (A) and (B), it would have been obvious to one of ordinary skill in the art to control the blending ratios of (A) and (B) for obtaining the desired properties including a melt index of the resulting blend, and thereby, obtain the claimed requirement.

Response to Arguments

2. Applicant's arguments filed 03/20/2008 have been fully considered but they are not persuasive. Argument is that Geussens does not disclose claimed Brookfield viscosity and the secondary reference to Dubois does not overcome the deficiencies of the primary reference to patent'430. Applicant present examples to evaluate Brookfield viscosity based on a melt index the (homogeneously branched substantially linear ethylene-base interpolymer having melt indexes from 5 to 6 g/10min). Applicants did not make a decision to compare the analogous ethylene/alpha-olefin interpolymer having density of 0.87 g/cm³ or 0.89 g/cm³ in Geussens invention with ethylene-alpha-olefin interpolymer having density from 0.850 g/cm³ to 0.895 g/cm³ in Dubois invention. Dubois discloses the claimed ethylene/alpha-olefin having low

density and having claimed Brookfield viscosity. The analogous ethylene-alpha-olefin in Geussens invention will have analogous properties to the Brookfield viscosity in Dubois invention.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **OLGA ASINOVSKY** whose telephone number is (571)272-1066. The examiner can normally be reached on 9:00 to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1796

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Olga Asinovsky
Examiner
Art Unit 1796

O.A.
June 03, 2008

/Randy Gulakowski/
Supervisory Patent Examiner, Art Unit 1796